REMARKS

Claims 1-34 and 38 are pending and under consideration.

(I) Rejection under the judicially created doctrine of obviousness-type double patenting

In the outstanding Office Action, the claims are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Application No. 10/495,451 and the claims of U.S. Application No. 10/522,754.

With respect to this rejection, the Applicants are filing terminal disclaimers.

(II) Rejection under § 102(e)

In the outstanding Office Action, the claims are also rejected under 35 U.S.C. 102(e) as being anticipated by US 2005/0080274. The Applicants wish to respond as follows.

US 2005/0080274 is the publication document of U.S. Application No. 10/495,451 filed on May 13, 2004. It should be noted that U.S. Application No. 10/495,451 results from PCT Application No. PCT/JP02/13809 published in the Japanese language. Therefore, US 2005/0080274 is not available as a prior art reference under 35 U.S.C. 102(e). Please see attached MPEP page 700.40.

The present application claims priority to Japanese Patent Application Nos. 2003-185077 and 2003-185078, each of which was filed on June 27, 2003. The filing date (June 27, 2003) of the two Japanese priority documents is prior to the effective date (April 14, 2005) of US 2005/0080274. The previous Office Action dated December 10, 2007 already acknowledged receipt of both priority documents. For completing the Applicants' right to priority under 35 U.S.C. 119, the Applicants are filing verified English translations of the two Japanese priority documents.

The claims of the present application are fully supported by the priority documents. For example, claims 1 and 38, the independent claims, are supported by the priority documents, as explained below.

With respect to claim 1, this claim is supported, for example, by the first priority document, i.e., Japanese Patent Application No. 2003-185077. Specifically, steps (1) to (4) of the method of claim 1 are described at page 1 of the English translation of the first priority document. With respect to performing steps (3) and (4) "in either order, or partially or wholly

simultaneously", this is apparent from the entire text of the first priority document, which teaches that steps (3) and (4) can be performed independently of each other.

With respect to claim 38, this claim is also supported, for example, by the first priority document, i.e., Japanese Patent Application No. 2003-185077. Specifically, steps (1) to (5) of the method of claim 38 are taught from the descriptions of pages 1 and 24-26 (especially the formulae appearing at pages 25-26) of the English translation of the first priority document. Also, the recycling of the organometal compound formed in step (3) to step (1) is taught from the description of page 45, lines 6-10 of the English translation. Further, the recycling of the alcohol obtained in step (4) to step (3), and the recycling of the dialkyl carbonate obtained in step (5) to step (4), are apparent from the following description of the first priority document:

> "The present inventors have made extensive and intensive studies with a view toward solving the above-mentioned problems. As a result, it has been found that an organometal compound can be regenerated by a process in which an organometal compound, carbon dioxide and optionally an alcohol are reacted with one another to obtain a reaction mixture containing a dialkyl carbonate, the dialkyl carbonate is separated from the reaction mixture to obtain a residual liquid comprised mainly of an organometal compound, the residual liquid is reacted with an alcohol, and water produced by the reaction between the residual liquid and the alcohol is removed by distillation or the like. Further, it has also been found that, by performing a transesterification reaction between the dialkyl carbonate and an aromatic hydroxy compound to obtain an alkyl aryl carbonate, and subjecting the alkyl aryl carbonate to a disproportionation reaction to obtain a diaryl carbonate, it becomes possible to produce only a diaryl carbonate and water from carbon dioxide and an aromatic hydroxy compound as raw materials, wherein substantially no raw materials other than carbon dioxide and the aromatic hydroxy compound are necessary. Based on this finding, the present invention has been completed." (emphasis added) (see page 15 of the English translation of the first priority document).

Thus, it is believed that the Applicants are entitled to June 27, 2003 as their effective filing date in the United States.

Consequently, US 2005/0080274 is not available as a prior art reference against the present case. The Examiner's rejection under 35 U.S.C. 102(e) should be withdrawn.

(III) Conclusion

From the foregoing, it is firmly believed that all of the Examiner's rejections have been

overcome. Early and favorable action is respectfully solicited.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 3 2008

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III. FLOWCHARTS

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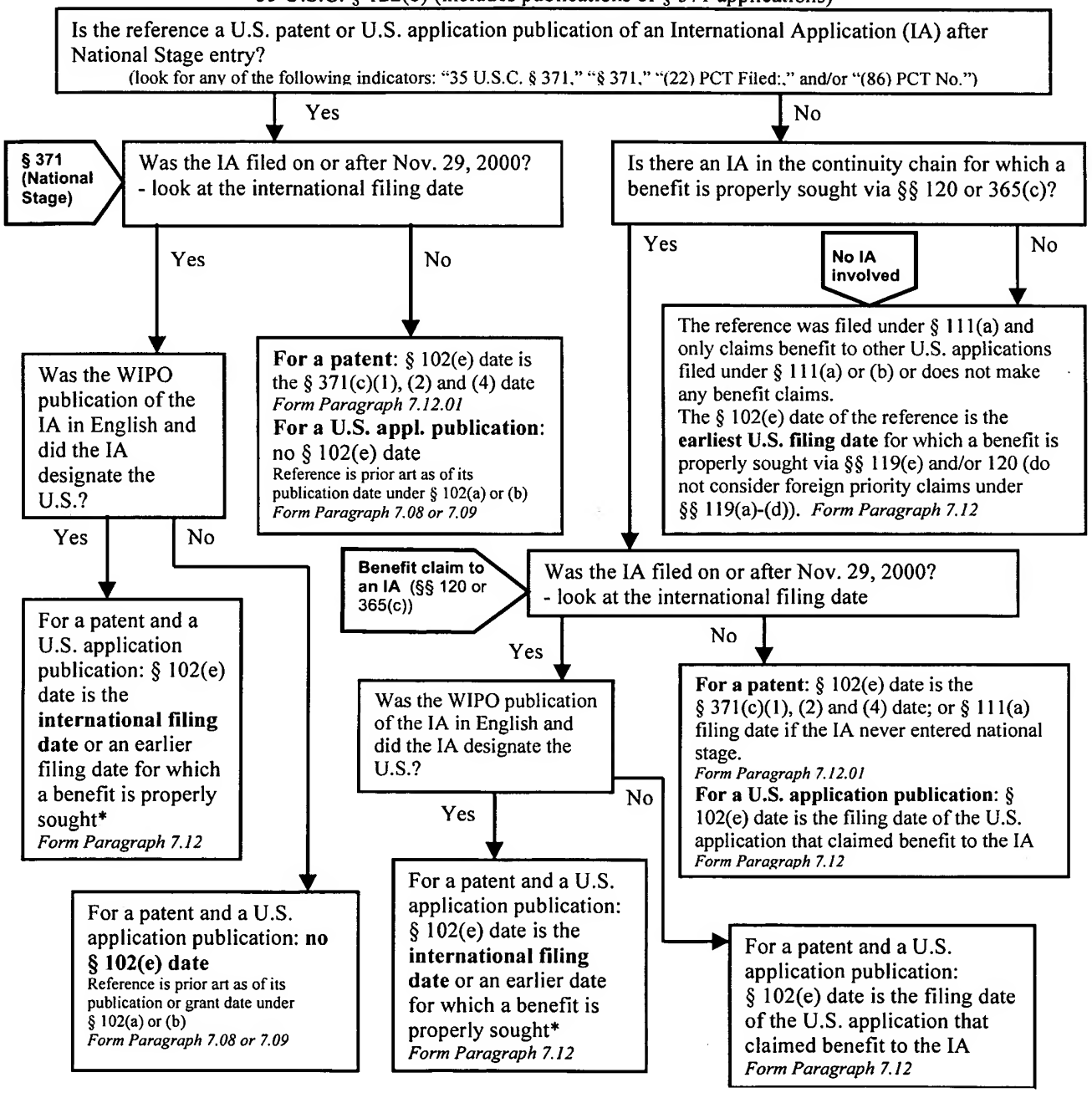
FLOWCHARTS FOR 35 U.S.C. § 102(e) DATES:
Apply to all applications and patents, whenever filed

Chart I: For **U.S. patent or U.S. patent application publication** under 35 U.S.C. § 122(b) (includes publications of § 371 applications)



* Consider benefit claims properly made under § 119(e) to U.S. provisional applications, § 120 to U.S. nonprovisional applications, and § 365(c) involving IAs. Do NOT consider foreign priority claims.